

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10060

United States of America

v.

George Schussel

**CLERK'S CERTIFICATE**

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/14/05.


In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 20, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12-23-05.

  
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10060-RCL-ALL**

Case title: USA v. Schussel

Date Filed: 02/26/2004

Assigned to: Judge Reginald C. Lindsay

**Defendant****George Schussel (1)**

represented by **Francis J. DiMento**  
DiMento & Sullivan  
Seven Faneuil Hall Marketplace  
Boston, MA 02109  
617-523-2345  
Fax: 617-523-2346  
Email: fjd@dimentosullivan.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Martin G. Weinberg**  
Oteri, Weinberg & Lawson  
20 Park Plaza  
Boston, MA 02116  
617-227-3700  
Fax: 617-338-9538  
Email: owlmc@worldnet.att.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

18:371 CONSPIRACY TO DEFRAUD  
THE UNITED STATES

(1)

26:7201 ATTEMPT TO EVADE OR  
DEFEAT TAX

(2)

26:7201 ATTEMPT TO EVADE OR  
DEFEAT TAX

(3)

**Disposition****Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Carmen M. Ortiz**  
 United States Attorney's Office  
 John Joseph Moakley Federal  
 Courthouse  
 1 Courthouse Way  
 Suite 9200  
 Boston, MA 02210  
 617-748-3159  
 Fax: 617-748-3694  
 Email: carmen.ortiz@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/26/2004	<a href="#">1</a>	INDICTMENT as to George Schussel (1) count(s) 1, 2, 3. (Gawlik, Cathy) (Entered: 02/27/2004)
02/27/2004	<a href="#">1</a>	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: pretrial proceedings as to George Schussel (Gawlik, Cathy) (Entered: 03/02/2004)
03/04/2004	<a href="#">2</a>	Summons Issued as to George Schussel Arraignment set for 3/8/2004 01:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Initial Appearance set for 3/8/2004 01:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 03/04/2004)
03/08/2004	<a href="#">1</a>	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Attorneys Weinberg and Dimento file appearances in Open Court. Initial Appearance as to George Schussel held on 3/8/2004. The Court informs the defendant of his rights and the charges. The government and defense move for conditions of release. The Court

		<p>ALLOWS the motion. Bond Hearing as to George Schussel held on 3/8/2004. The Court ORDERS the defendant released upon a 10 million dollar unsecured bond with conditions (see bail papers). Arraignment as to George Schussel (1) Count 1,2,3 held on 3/8/2004. The Court informs the defendant of his rights and the charges. The government states the maximum penalty. The defendant pleads not guilty. The Court provides the defendant with an automatic disclosure notice to be filed with the Court. Initial Status Conference set for 4/15/2004 10:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 03/31/2004)</p>
03/08/2004	3	<p>NOTICE OF ATTORNEY APPEARANCE: Frank DiMento Sr. appearing for George Schussel (Brown, Rex) (Entered: 03/31/2004)</p>
03/08/2004	4	<p>NOTICE OF ATTORNEY APPEARANCE: Martin G. Weinberg appearing for George Schussel (Brown, Rex) (Entered: 03/31/2004)</p>
03/08/2004	5	<p>Unsecured Bond Entered as to George Schussel in amount of \$ 10,000.000.00 (Brown, Rex) (Entered: 03/31/2004)</p>
03/08/2004	6	<p>Judge Joyce London Alexander : ORDER entered ORDER Setting Conditions of Release as to George Schussel (1) \$10,000,000.00 Unsecured Bond (Brown, Rex) (Entered: 03/31/2004)</p>
04/15/2004		<p>Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Initial Status Conference as to George Schussel held on 4/15/2004. The parties file a joint motion for excludable delay in open court. The Court ALLOWS the motion. Interim Status Conference set for 5/28/2004 02:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #N/A.) (Brown, Rex) (Entered: 04/30/2004)</p>
04/15/2004	7	<p>JOINT MOTION for Excludable Delay from 3/8/04 to 4/15/04 and 4/15/04 to 5/28/04 as to George Schussel by USA, George Schussel. (Brown, Rex) Additional attachment(s) added on 4/30/2004 (Brown, Rex). (Entered: 04/30/2004)</p>
04/15/2004	8	<p>Judge Joyce London Alexander : ORDER entered ORDER ON EXCLUDABLE DELAY as to George Schussel Time excluded from 3/8/04 until 4/15/04. Time excluded from 4/15/04 until 5/28/04. (Brown, Rex) (Entered: 04/30/2004)</p>
04/15/2004		<p>Judge Joyce London Alexander : Electronic ORDER entered granting 7 Motion to Exclude as to George Schussel (1) (Brown, Rex) (Entered: 04/30/2004)</p>
04/30/2004	9	<p>Judge Joyce London Alexander : ORDER entered REPORT AND ORDER on Initial Status Conference as to George Schussel. Interim Status Conference set for 5/28/2004 02:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 04/30/2004)</p>
05/28/2004		<p>Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Interim Status Conference as to George Schussel held on</p>



		5/28/2004. The parties file a joint motion to exclude the time in open Court. The Court <b>ALLOWS</b> the motion. Interim Status Conference set for 7/20/2004 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 06/02/2004)
05/28/2004	<u>10</u>	JOINT MOTION for Excludable Delay from 5/28/04 to 7/20/04 as to George Schussel by USA, George Schussel. (Brown, Rex) (Entered: 06/02/2004)
05/28/2004		Judge Joyce London Alexander : Electronic ORDER entered granting <u>10</u> Motion to Exclude as to George Schussel (1) (Brown, Rex) (Entered: 06/02/2004)
05/28/2004	<u>11</u>	Judge Joyce London Alexander : ORDER entered ORDER ON EXCLUDABLE DELAY as to George Schussel Time excluded from 5/28/04 until 7/20/04. (Brown, Rex) (Entered: 06/02/2004)
07/20/2004		Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Second Interim Status Conference as to George Schussel held on 7/20/2004. Order to issue. The parties file a joint motion for excludable time in open court. The Court <b>ALLOWS</b> the motion. Final Status Conference set for 8/19/2004 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #N/A.) (Brown, Rex) (Entered: 08/29/2004)
07/20/2004	<u>14</u>	JOINT MOTION for Excludable Delay from July 20, 2004 to August 19, 2004 as to George Schussel by USA, George Schussel. (Brown, Rex) (Entered: 09/14/2004)
08/17/2004	<u>12</u>	MOTION to Modify Conditions of Release as to George Schussel. (Weinberg, Martin) (Entered: 08/17/2004)
08/19/2004		Judge Joyce London Alexander : Electronic ORDER entered withdrawing <u>12</u> Motion to Modify Conditions of Release as to George Schussel (1) (Brown, Rex) (Entered: 08/19/2004)
08/19/2004		Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Final Status Conference as to George Schussel held on 8/19/2004. Order to issue. Whereas all pretrial matters referred to the Magistrate Judge by the District Judge have been resolved, the case is hereby returned to the District Judge. (Tape #N/A.) (Brown, Rex) (Entered: 08/29/2004)
08/19/2004	<u>15</u>	Judge Joyce London Alexander : ORDER entered granting <u>14</u> Motion to Exclude as to George Schussel (1) (Brown, Rex) (Entered: 09/14/2004)
09/02/2004	<u>13</u>	Joint MOTION for Nunc Pro Tunc Designation as Complex Case as to George Schussel by USA, George Schussel. (Stanhope, Don) (Entered: 09/08/2004)
09/14/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>13</u> Motion for Nunc Pro Tunc Designation as Complex Case as to George Schussel (1) (Hourihan, Lisa) (Entered: 09/14/2004)

09/14/2004	16	Judge Joyce London Alexander : ORDER entered REPORT AND ORDER on Final Status Conference as to George Schussel Discovery due by 9/10/2004. The defendant will file dispositive motions on or before 10/15/04 and the government will respond on or before 11/15/04. Further Final Status Conference set for 9/14/2004 03:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 09/14/2004)
09/14/2004		Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Further Final Status Conference as to George Schussel held on 9/14/2004. Order to issue. Whereas all pretrial matters referred to the Magistrate Judge to the District Judge have been resolved, the case is hereby returned to the District Judge. (Tape #Digital Recording.) (Brown, Rex) (Entered: 09/14/2004)
09/14/2004	17	JOINT STATUS REPORT by USA, George Schussel as to George Schussel (Brown, Rex) (Entered: 09/28/2004)
09/14/2004	18	Judge Joyce London Alexander : ORDER entered 9/14/04ORDER ON EXCLUDABLE DELAY as to George Schussel Time excluded from 8/19/04 until 9/14/04. (Brown, Rex) (Entered: 09/28/2004)
09/28/2004	19	Judge Joyce London Alexander : ORDER entered REPORT AND ORDER on Further Final Status Conference as to George Schussel. Whereas all pretrial matters referred to the Magistrate Judge by the District Judge have been resolved, the case is hereby returned to the district Judge. (Brown, Rex) (Entered: 09/28/2004)
09/28/2004		Case as to George Schussel no longer referred to Joyce London Alexander. (Brown, Rex) (Entered: 09/28/2004)
10/15/2004	20	MOTION to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief. as to George Schussel . (Stanhope, Don) (Entered: 10/20/2004)
10/15/2004	21	MEMORANDUM OF LAW in Support of 20 MOTION to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief. (Stanhope, Don) ***SEALED EXHIBITS A-D*** (Entered: 10/20/2004)
11/05/2004		ELECTRONIC ENDORSEMENT granting 22 Assented to Motion to File Exhibits to Memorandum of Law in Support of Motion to Suppress Government's Use and Acquisition of Privileged Material and Other Appropriate Relief Under Seal. as to George Schussel : (Stanhope, Don) (Entered: 11/05/2004)
11/12/2004	23	Joint MOTION to Amend <i>Briefing Schedule</i> as to George Schussel. (Weinberg, Martin) (Entered: 11/12/2004)
11/18/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting 23 Motion to Amend Briefing Schedule as to George Schussel (1). Opposition to motion to suppress filed by 12/3/04; reply brief to be filed by 1/14/05. (Hourihan, Lisa) (Entered: 11/18/2004)



12/02/2004	24	Assented to MOTION to Seal as to George Schussel by USA. (Stanhope, Don) (Entered: 12/03/2004)
12/06/2004	25	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING MOTION as to George Schussel 24 Assented to MOTION to Seal filed by USA (Stanhope, Don) (Entered: 12/06/2004)
12/08/2004	26	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING MOTION as to George Schussel 20 MOTION to Suppress filed by George Schussel (Stanhope, Don) (Entered: 12/08/2004)
12/08/2004		Judge Joyce London Alexander : Electronic ORDER entered granting 24 Motion to Seal as to George Schussel (1) (Brown, Rex) (Entered: 04/13/2005)
12/08/2004	47	SEALED Opposition by USA as to George Schussel's 20 MOTION to Suppress re 24 MOTION to Seal. (Filed under seal).(Brown, Rex) (Entered: 04/13/2005)
12/15/2004	27	NOTICE OF HEARING as to George Schussel Status Hearing set for 12/16/2004 11:45 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 12/15/2004)
12/16/2004		Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Hearing on 20 MOTION to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief as to George Schussel held on 12/16/2004. The parties inform the Court that the evidentiary to be set in February should take a minimum of two (2) half days. Evidentiary Hearing set for 2/22/2005 10:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 12/17/2004)
01/10/2005	28	Assented to MOTION for Extension of Time to January 18, 2005 to File File Pretrial Motions as to George Schussel. (Weinberg, Martin) (Entered: 01/10/2005)
01/11/2005		Judge Joyce London Alexander : Electronic ORDER entered granting 28 Motion for Extension of Time as to George Schussel (1) (Brown, Rex) (Entered: 02/03/2005)
01/18/2005	29	MOTION to Suppress <i>the Testimony of Attorneys Edward DeFranceschi and Kenneth Glusman and Incorporated Memorandum of Law</i> as to George Schussel. (Weinberg, Martin) (Entered: 01/18/2005)
01/18/2005	30	MOTION to Dismiss <i>Counts 2 and 3 for Violation of the Statute of Limitations and Incorporated Memorandum of Law</i> as to George Schussel. (Weinberg, Martin) (Entered: 01/18/2005)
01/18/2005	31	MOTION for Bill of Particulars as to George Schussel. (Weinberg, Martin) (Entered: 01/18/2005)
01/18/2005	32	MOTION for Hearing <i>for Evidentiary Hearing Regarding Whether Darlene Flint's Wrongfully Taking Documents Which Were the Property of DCI and Turning Them Over to the Government Violated his Rights</i>

		<i>Under the Fourth Amendment to the United States Constitution and Incorporated Memorandum of Law as to George Schussel. (Weinberg, Martin) (Entered: 01/18/2005)</i>
01/18/2005	33	Defendant's Assented MOTION for Leave to File Reply Memorandum Under Seal as to George Schussel. (Stanhope, Don) (Entered: 01/18/2005)
01/18/2005	34	Defendant's Assented to MOTION for Leave to File Overlong Reply Memorandum. as to George Schussel. (Stanhope, Don) (Entered: 01/18/2005)
01/18/2005	48	SEALED REPLY TO RESPONSE to Motion by George Schussel re 20 MOTION to Suppress. (Filed under seal).(Brown, Rex) (Entered: 04/13/2005)
02/08/2005	35	MOTION to Continue <i>Hearing Date</i> as to George Schussel. (Weinberg, Martin) (Entered: 02/08/2005)
02/08/2005	36	MOTION for Extension of Time to March 4, 2005 to File Response/Reply to Defendant's Reply Brief and other pretrial motions as to George Schusselby USA. (Ortiz, Carmen) (Entered: 02/08/2005)
03/04/2005	38	Opposition by USA as to George Schussel re 31 MOTION for Bill of Particulars (Ortiz, Carmen) (Entered: 03/04/2005)
03/04/2005	39	Opposition by USA as to George Schussel re 30 MOTION to Dismiss <i>Counts 2 and 3 for Violation of the Statute of Limitations and Incorporated Memorandum of Law</i> (Ortiz, Carmen) (Entered: 03/04/2005)
03/04/2005	40	Opposition by USA as to George Schussel re 32 MOTION for Hearing <i>for Evidentiary Hearing Regarding Whether Darlene Flint's Wrongfully Taking Documents Which Were the Property of DCI and Turning Them Over to the Government Violated his Rights Under the Fourth Amendment to the United States</i> (Ortiz, Carmen) (Entered: 03/04/2005)
03/04/2005	41	Opposition by USA as to George Schussel re 29 MOTION to Suppress <i>the Testimony of Attorneys Edward DeFranceschi and Kenneth Glusman and Incorporated Memorandum of Law</i> (Ortiz, Carmen) (Entered: 03/04/2005)
03/04/2005	42	ASSENTED-TO MOTION to Seal as to George Schusselby USA. (Brown, Rex) (Entered: 03/07/2005)
03/08/2005	43	MOTION for Leave to File <i>By March 18, 2005, Memoranda of Law in Reply to the Government's Oppositions to His Pretrial Motions and to the Government's Response to Defendant's Reply to Opposition to Defendant's Motion to Suppress Evidence on Claim of Privilege</i> as to George Schussel. (Weinberg, Martin) (Entered: 03/08/2005)
03/08/2005		Judge Joyce London Alexander : ORDER entered granting in part and denying in part 35 Motion to Continue as to George Schussel (1)to 4/26/05-4/28/05 (Brown, Rex) (Entered: 03/22/2005)



03/18/2005	46	Defendant George Schussel's Assented to MOTION to File Reply Memorandum Under Seal as to George Schussel. (Stanhope, Don) (Entered: 04/07/2005)
03/21/2005		Judge Joyce London Alexander : Electronic ORDER entered granting 36 Motion for Extension of Time to File Response/Reply as to George Schussel (1) (Brown, Rex) (Entered: 04/04/2005)
03/22/2005		Judge Joyce London Alexander : Electronic ORDER entered granting 42 Motion to Seal as to George Schussel (1) (Brown, Rex) (Entered: 03/24/2005)
03/22/2005	49	***SEALED DOCUMENT*** Government's Response to Defendant's 48 Reply to Opposition to Defendant's Motion to Suppress Evidence on Claim of Privilege. (Attachments: # 1 Exhibit 1-9)(Stanhope, Don) (Entered: 04/14/2005)
03/25/2005		Notice of correction to docket made by Court staff. Correction: Document #44, #45, #46 deleted because: Reply memorandum's cannot be filed until #43 Motion for Leave is ruled on by Court as to George Schussel (Stanhope, Don) (Entered: 03/25/2005)
04/07/2005	44	REPLY TO RESPONSE to Motion by George Schussel re 30 MOTION to Dismiss <i>Counts 2 and 3 for Violation of the Statute of Limitations and Incorporated Memorandum of Law</i> (Weinberg, Martin) (Entered: 04/07/2005)
04/07/2005	45	REPLY TO RESPONSE to Motion by George Schussel re 29 MOTION to Suppress <i>the Testimony of Attorneys Edward DeFranceschi and Kenneth Glusman and Incorporated Memorandum of Law</i> (Weinberg, Martin) (Entered: 04/07/2005)
04/12/2005		Judge Joyce London Alexander : Electronic ORDER entered reserving ruling for the District Judge on 30 Motion to Dismiss as to George Schussel (1); reserving ruling for the District Judge on 32 Motion for Hearing as to George Schussel (1) (Brown, Rex) (Entered: 04/13/2005)
04/12/2005		Judge Joyce London Alexander : Electronic ORDER entered granting 33 Motion for Leave to File as to George Schussel (1); granting 34 Motion for Leave to File as to George Schussel (1) (Brown, Rex) (Entered: 04/13/2005)
04/12/2005		Judge Joyce London Alexander : Electronic ORDER entered denying 43 Motion for Leave to File as to George Schussel (1). Both parties in this case have filed a plethora of memoranda, oppositions and reply briefs. No more is necessary for the hearing which will begin, as per notification on May 11th at 2:00 PM. No further continuances. (Brown, Rex) (Entered: 04/13/2005)
04/13/2005		ELECTRONIC NOTICE OF HEARING ON MOTIONS as to George Schussel. In that the parties have stated that the time necessary for an evidentiary hearing will be three (3) half-days, the Hearing on 20 MOTION to Suppress and 29 MOTION to Suppress is set to begin

		5/11/2005 02:00 PM, 5/12/05 at 9:30 AM and conclude 5/13/05 at 9:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. No further continuances will be granted.(Brown, Rex) (Entered: 04/13/2005)
05/11/2005	●	***SEALED*** Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Evidentiary Hearing Day 1 as to George Schussel held on 5/11/2005. The government and defense present evidence. The Court continues the matter. Evidentiary Hearing set for 5/12/2005 09:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #SEALED Digital Recording.) (Brown, Rex) Modified on 5/18/2005 (Brown, Rex). (Entered: 05/18/2005)
05/12/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Evidentiary Hearing Day 2 as to George Schussel held on 5/12/2005. The government and defense present evidence. The Court continues the matter. Evidentiary Hearing set for 5/13/2005 09:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #SEALED Digital Recording.) (Brown, Rex) Modified on 5/18/2005 (Brown, Rex). (Entered: 05/18/2005)
05/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Evidentiary Hearing Day 3 as to George Schussel held on 5/13/2005. The government and defense present evidence. The government and defense rest. The government and defense offer oral argument. The Court takes the matter under advisement. The Court grants the parties leave to file proposed findings of fact. The Court will issue its Report and Recommendation after submission by the parties of proposed finding of fact from the government as to the issue of Corporate Privilege and proposed finding of fact from the defense as to the issue of Crime Fraud exception. The parties shall submit their preliminary proposed findings of fact no later than Wednesday evening 5/18/05. Upon receipt of the official transcript, the parties will have ten days to file final proposed findings of fact. (Tape #SEALED Digital Recording.) (Brown, Rex) Modified on 5/18/2005 (Brown, Rex). (Entered: 05/18/2005)
05/13/2005	●	Judge Joyce London Alexander : Electronic ORDER entered. ORAL ORDER as to George Schussel re Evidentiary Hearing. The parties shall submit their preliminary proposed findings of fact no later than Wednesday evening 5/18/05. Upon receipt of the official transcript, the parties will have ten days to file final proposed findings of fact. So ORDERED. (Brown, Rex) (Entered: 05/18/2005)
05/13/2005	● 50	EXHIBIT/WITNESS LIST as to George Schussel (Attachments: # 1 Page 2)(Brown, Rex) (Entered: 05/18/2005)
05/18/2005	●	Notice of correction to docket made by Court staff. Correction: Oral Order regarding evidentiary hearing corrected because: filing date corrected to 5/13/05 from 5/18/05 as to George Schussel (Brown, Rex) (Entered: 05/18/2005)



05/18/2005	51	***SEALED DOCUMENT*** Assented to MOTION to Seal as to George Schussel filed by USA. (Stanhope, Don) (Entered: 05/20/2005)
05/18/2005	52	***SEALED DOCUMENT*** MOTION to File Defendant George Schussel's Preliminary Request for Findings of Fact Regarding Absence of Sufficient Proof of Crime-Fraud Exception to Attorney-Client and Work Product Privileges of the Defendants to George Schussel. (Stanhope, Don) (Entered: 05/20/2005)
06/06/2005		Judge Joyce London Alexander : Electronic ORDER entered granting 51 Motion to Seal as to George Schussel (1); granting 52 Motion for Leave to File as to George Schussel (1). *****Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures.***** (Brown, Rex) (Entered: 06/26/2005)
07/22/2005	53	SEALED TRANSCRIPT of Suppression Hearing as to George Schussel held on May 11, 2005 before Judge Alexander. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) Modified on 7/22/2005 (Scalfani, Deborah). Modified on 7/22/2005 (Scalfani, Deborah). (Entered: 07/22/2005)
07/22/2005	54	SEALED TRANSCRIPT of Suppression Hearing as to George Schussel held on May 12, 2005 before Judge Alexander. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) Modified on 7/22/2005 (Scalfani, Deborah). (Entered: 07/22/2005)
07/22/2005	55	SEALED TRANSCRIPT of Suppression Hearing as to George Schussel held on May 13, 2005 before Judge Alexander. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) Modified on 7/22/2005 (Scalfani, Deborah). (Entered: 07/22/2005)
07/22/2005	56	SEALED TRANSCRIPT of Suppression Hearing (Afternoon Session) as to George Schussel held on May 12, 2005 before Judge Alexander. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/22/2005)
07/22/2005	57	SEALED TRANSCRIPT of Suppression Hearing as to George Schussel held on May 13, 2005 before Judge Alexander. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/22/2005)
07/25/2005	58	Joint MOTION for Extension of Time to August 12, 2005 to File Final



		Requests for Findings of Fact as to George Schussel. (Weinberg, Martin) (Entered: 07/25/2005)
07/26/2005	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>58</u> Motion for Extension of Time as to George Schussel. (1) "The parties shall submit a joint motion for excludable delay on or before August 9, 2005." (Miner, Valencia) (Entered: 07/26/2005)
08/09/2005	● <u>59</u>	Joint MOTION to Exclude <i>Time</i> as to George Schussel. (Attachments: # <u>1</u> Text of Proposed Order)(Weinberg, Martin) (Entered: 08/09/2005)
08/10/2005	●	Magistrate Judge Joyce London Alexander: Electronic ORDER entered granting <u>59</u> Motion to Exclude Time from 5/11/05 through 8/12/05 as to George Schussel. (1) (Miner, Valencia) (Entered: 08/12/2005)
08/12/2005	● <u>60</u>	SEALED MOTION as to George Schussel (York, Steve) Modified on 8/15/2005 To correct filer(York, Steve). (Entered: 08/15/2005)
08/15/2005	●	Judge update in case as to George Schussel. Judge Joyce London Alexander added. (Edge, Eugenia) (Entered: 08/15/2005)
08/17/2005	●	Magistrate Judge Joyce London Alexander: Electronic ORDER entered finding as moot <u>46</u> Motion to Seal as to George Schussel. (1) (Miner, Valencia) (Entered: 08/18/2005)
08/25/2005	● <u>62</u>	Magistrate Judge Joyce London Alexander : ORDER entered. SEALED REPORT AND RECOMMENDATIONS as to George Schussel (JLA, int1) (Entered: 08/26/2005)
08/26/2005	●	Case as to George Schussel no longer referred to Magistrate Judge Joyce London Alexander. (JLA, int1) (Entered: 08/26/2005)
09/06/2005	● <u>63</u>	MOTION to Seal as to George Schussel. (York, Steve) (Entered: 09/06/2005)
09/07/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>63</u> Motion to Seal as to George Schussel (1) (York, Steve) (Entered: 09/07/2005)
09/07/2005	● <u>64</u>	Objection filed under Seal (York, Steve) (Entered: 09/07/2005)
09/20/2005	● <u>65</u>	Assented to MOTION to Seal as to George Schusselby USA. (York, Steve) (Entered: 09/20/2005)
09/20/2005	● <u>66</u>	Sealed DocumentYork, Steve) (Entered: 09/20/2005)
09/21/2005	● <u>67</u>	MOTION for Leave to File as to George Schussel. (York, Steve) (Entered: 09/22/2005)
09/21/2005	● <u>68</u>	SEALED MOTION as to George Schussel. (York, Steve) (Entered: 09/22/2005)
09/23/2005	●	Judge Reginald C. Lindsay : ElectronicORDER entered denying <u>67</u> Motion for Leave to File as to George Schussel (1) (York, Steve) (Entered: 09/23/2005)

09/23/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>68</u> Sealed Motion as to George Schussel (1) (York, Steve) (Entered: 09/23/2005)
10/18/2005	● <u>69</u>	SEALED MOTION as to George Schusselby USA. (York, Steve) (Entered: 10/18/2005)
11/16/2005	● <u>70</u>	Joint MOTION for Excludable Delay from September 14, 2004 to <i>date of trial</i> as to George Schusselby USA. (Ortiz, Carmen) (Entered: 11/16/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>70</u> Joint MOTION for Excludable Delay from September 14, 2004 to date of trial as to George Schussel. The court orders that the period of time from September 14, 2004 to the date of the trial of this case be and it hereby is excluded under 18 U.S.C.3161(h)(8)(B)(ii) and (iv) and 18 U.S.C.3161(h)(8)(A), because this is a "complex case," and the ends of justice served by allowing the parties adequate time to prepare for the lengthy trial of this complex case outweighs the respective interests of the defendant and the public in a speedy trial. The fact that the parties have jointly filed this motion is an indication that they occur in the conclusion the court has reached after having balanced the need for adequate trial preparation against the interests of the public and the defendant in a speedy trial. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered, adopting Report and Recommendations of Magistrate Judge Alexander re <u>20</u> Motion to Suppress as to George Schussel. Accordingly, the motion is granted in part and denied in part as follows: documents 1, 8, and 9 of Exhibit A and documents 1-5, inclusive, of Exhibit B are hereby suppressed. The remaining documents, of those now in the government's possession, are not suppressed. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>37</u> Assented to MOTION to Seal Document Government's Response to Defendant's Reply to Opposition to Defendant's Motion to Suppress Evidence on Claim of Privilege as to George Schussel by USA; granting <u>61</u> MOTION to Seal the Revised Request for Findings of Fact to Motion to Suppress as to George Schussel by USA; and granting <u>65</u> Assented to MOTION to Seal as to George Schusselby USA. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>30</u> Motion to Dismiss as to George Schussel. As reasons for this ruling, the court adopts and incorporates by reference the position taken by the Government in its memorandum opposing this motion ("Memorandum"). The court orders and directs the parties to include the Memorandum in the record, as part of this order, should there be an appeal in this case that presents this order as a question for review. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>31</u>

		Motion for Bill of Particulars as to George Schussel. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>32</u> MOTION of Defendant, George Schussel, for Evidentiary Hearing Regarding Whether Darlene Flint's Wrongfully Taking Documents Which Were the Property of DCI and Turning Them Over to the Government Violated The Defendant's Rights Under the Fourth Amendment to the United States Constitution. (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting in part and denying in part <u>29</u> MOTION of Defemdant, George Schussel to Suppress the Testimony of Attorneys Edward DeFranceschi and Kenneth Glusman and Incorporated Memorandum of Law as to George Schussel. This motion is granted in part and denied in part to the same extent as the court ruled on the defendant's motion to suppress documents. (Docket # 20). (Lindsay, Reginald) (Entered: 12/05/2005)
12/05/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot [69] Sealed Motion as to George Schussel by USA. (Lindsay, Reginald) (Entered: 12/05/2005)
12/06/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot [60] Sealed Motion as to George Schussel (1) (York, Steve) (Entered: 12/06/2005)
12/07/2005	●	ELECTRONIC NOTICE OF HEARING as to George Schussel Pretrial Conference set for 1/4/2006 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 12/07/2005)
12/14/2005	● <u>71</u>	<i>Defendant's</i> NOTICE OF APPEAL by George Schussel Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/3/2006. (DiMento, Francis) (Entered: 12/14/2005)